

# CITY OF CONCORD

---

*In the year of our Lord two thousand and twelve*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-1, Definitions of Taxicabs, in its entirety and replacing it with a new Section 15-5-1, Definitions, as follows:

**15-5-1 Definitions.**

- (a) Owner. The person having the ownership or leasehold of any motor vehicle used or licensed to be used in the taxi business.
- (b) Operator. The person driving or having control or possession of said motor vehicle while the same is being used in the taxi business.
- (c) Person. Any person, individual, employee, business, firm, corporation, partnership, association, owner or operator, and/or any other legal entity.
- (d) Taxicab License. Any motor vehicle licensed as a taxi or taxicab by the City of Concord.
- (e) Taxicab Operator's License: Any person licensed by the City of Concord to operate a taxicab within the City of Concord.
- (f) Taxi or Taxicab. Any rubber-tired motor vehicle, having a manufacturers rated capacity of not more than 7 passengers, used in the call and demand transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule, between fixed termini, except that this Ordinance shall not apply to motor vehicles used at funerals, weddings and public parades, and limousine services which provide luxury or specialty vehicles by prior appointment.

**SECTION II:** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-2, Taxicab Licensing Board, as follows:

### **15-5-2 Taxicab Licensing Board.**

There is hereby created a Taxicab Licensing Board consisting of the City Manager, who shall act as Chairman; the Chief of Police, and the Code Administrator. The duties of the said board shall be such as are required by the provisions of this Article.

**SECTION III:** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-3, Conditions of License, in its entirety and replacing it with a new Section 15-5-3, Licensing Requirements and Reciprocity with Other Municipalities, as follows:

### **15-5-3 Licensing Requirements and Reciprocity with Other Municipalities.**

Only taxicab operators and taxicabs with a current license from the City of Concord may pick up and drop off passengers within the City of Concord. Notwithstanding that requirement, taxicab operators and taxicabs which are duly licensed in other municipalities may deliver passengers from outside the City of Concord to destinations within the City of Concord, or pick up passengers by prior arrangement in the City of Concord to destinations outside the City of Concord.

**SECTION IV.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-4, Application for Taxicab Licenses, as follows:

### **15-5-4 Application for Taxicab Licenses .**

Applications for taxicab licenses under this Article shall be made upon forms provided at the Code Administration office, which shall keep records of all applications and licenses granted. All licenses shall be renewable on October 1, and shall be numbered in order as granted. For a full calendar year, the fee for each taxicab licensed hereunder shall be listed in Schedule I of Chapter 1. Licenses granted between July 1 and September 30 shall be at half rate. The fee shall be payable at the Code Administration office at the time the application is filed. No license shall be sold, assigned, or transferred. Every license granted hereunder shall apply only to the particular taxicab designated therein by its number or otherwise made certain. Unless renewed, every taxicab license shall expire on the first day of October next following the date of its issuance.

**SECTION V.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-5, Taxicab Owners Must Carry Liability Insurance, as follows:

**15-5-5 Taxicab Owners Must Carry Liability Insurance.**

It shall be unlawful for the registered owner to operate or permit to be operated a taxicab, as defined herein, nor shall any license for a taxicab be issued hereunder, until and unless the applicant for license deposits with the City Licensing Officer a policy or certificate of liability insurance for each taxicab for which license is sought; said policy or certificate of liability insurance shall be issued by a company authorized to do business in the State of New Hampshire, indemnifying the applicant in the sum of at least three hundred thousand dollars (\$300,000.00) liability for each accident, and one hundred thousand dollars (\$100,000.00) for property damage in any one accident. The policy of insurance shall contain a clause obligating the company issuing the same to give a ten-day-written notice to the City Licensing Officer before cancellation thereof. The license for the operation of such taxicab shall expire upon the lapse or termination of said policy.

**SECTION VI.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-6, Revocation of Licenses in its entirety, and replacing it with Section 15-5-6, Taxicab Condition, as follows:

**15-5-6 Taxicab Condition.**

All Taxicabs shall be maintained in a safe, clean and sanitary condition at all times.

**SECTION VII.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-7, Taxicab Operator Licenses, as follows:

**15-5-7 Taxicab Operator Licenses.**

A person shall not operate a licensed taxicab without first obtaining from the City's Licensing Officer a license to operate licensed taxicabs. The City Licensing Officer may issue to a person over seventeen (17) years of age, if the City Licensing Officer deems the person suitable, a license to operate licensed taxicabs. Applications to operate licensed taxicabs shall include the name, address and age of the applicant, the number of years of driving experience, his or her state operator's license, also provide a copy of both the NH Dept. of Safety Driving record and Criminal record or a copy of any motor vehicle violations

or criminal record previously had by the applicant from another state and such other data as the City's Licensing Officer may prescribe. Such applicant must be able to read, write, and speak the English language intelligently and, on filing his or her application, must show to the City Licensing Officer a valid license issued to him or her by the Director of Motor Vehicles of this State. The City Licensing Officer shall keep a record of applications (with the motor vehicle license number of the applicant enclosed therein) and licenses granted. All licenses granted to operate licensed taxicabs shall expire on the first day of October next following the date of issuance. The fee for each license to operate taxicabs shall be the fee listed in Schedule I of Chapter 1 per year, which shall be payable at the Code Administration office at the time the application is filed.

**SECTION VIII.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-8, Display of Taxicab Operator's License, as follows:

**15-5-8 Display of Taxicab Operator's License.**

Every licensed taxicab operator shall display his or her license, at all times when on duty, by attaching said license within the interior of the taxicab in such a place as to be in plain view of all passengers or by wearing said license in a conspicuous place on the front portion of his coat or shirt.

**SECTION IX.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-10, Taxicab Logs, as follows:

**15-5-10 Taxicab Logs.**

Every owner shall provide for each of his or her licensed taxicabs a suitable log book in which shall be kept the name of the operator, the date, time, origin and destination of each fare. Said log book shall be kept available for inspection by members of the Police Department and the City's Licensing Officer and shall be preserved for at least one year from the date of the last entry.

**SECTION X.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by amending Section 15-5-11, Schedule of Rates, as follows:

### **15-5-11 Schedule of Rates.**

Every owner of a licensed taxicab shall prepare and file with the City's Licensing Officer a complete and detailed schedule of rates and services plainly setting forth the fare to be charged for the use of a taxicab and the hours of operation during which service will be available and cause a copy of the schedule to be displayed in all of its licensed taxicabs in such a place as to be in plain view of all passengers. The use of meters will be allowed with the following conditions: The meter must be in good condition to record the amount to be charged on each trip, which amount shall be shown in figures visible to passengers. All meters must be approved in advance of use by the City Licensing Officer and sealed at all times to prevent tampering or adjustment except in the presence of the City Licensing Officer.

**SECTION XI.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-12, Revocation of Taxicab Operator's License in its entirety, and replacing it with a new Section 15-5-12, Revocation and Suspension of Licenses and Hearings, as follows:

### **15-5-12 Revocation and Suspension of Licenses and Hearings.**

- (a) Any person denied a license under this Article may request a hearing before the Taxicab Licensing Board, at which hearing that person may present evidence showing why a license should be issued. The Taxicab Licensing Board, after considering all evidence and testimony, may issue a license.
- (b) The suspension or revocation of any operator's license by the New Hampshire Director of the Division of Motor Vehicles shall automatically suspend his or her license to operate a taxicab hereunder. Such suspended or revoked license hereunder may be restored upon application to the City's Licensing Officer in his or her discretion, but such restoration shall not be made until the New Hampshire Director of the Division of Motor Vehicles has restored the license issued by its office.
- (c) Upon the conviction of the registered owner or operator of any taxicab licensed under this Article, or of an offense of this or any other Ordinance of the City of Concord, or of any offense of Federal or State law, or for other just cause, the City's Licensing Officer may suspend or revoke the taxicab license and/or the taxicab operator's license.
- (d) Prior to the suspension or revocation of any license for the reasons set forth in paragraph (c), the City's Licensing Officer shall notify the affected person of the pending suspension or revocation and the reason therefore. The City's Licensing Officer shall provide the affected person with a reasonable opportunity to be heard by the Taxicab Licensing Board prior to the suspension or revocation.
- (e) The Chief of Police or his/her designee shall have the authority to immediately suspend or revoke a taxicab license and/or taxicab operator's license of any person who performs any act or makes any statement which creates an imminent threat or

risk of safety. In the event of a suspension or revocation for this reason, the person whose license has been suspended shall have a right of appeal to the Taxicab Licensing Board and may request a hearing.

**SECTION XII.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-13, State Suspension of License Automatically Means Suspension of Taxicab Operator's License in its entirety, and replacing it with a new Section 15-5-13, Limitation on Use, as follows:

**15-5-13 Limitation on use.**

No operator of any taxicab shall:

- (a) Carry more passengers in their taxicabs than the seating capacity as listed in the manufacturer's vehicle specifications.
- (b) Accept any other passenger without the consent of the person or persons who have engaged the taxicab.
- (c) Use or allow the use of smoking materials of any kind within the taxicab at any time. The owner or operator of each taxicab shall post a notice in each taxicab, plainly visible to all occupants of the taxicab reading "No Smoking".
- (d) Consume or allow the consumption of alcoholic beverages of any kind within the taxicab at any time.
- (e) Pick up any adults when children under the age of sixteen (16) are alone in the taxicab.

**SECTION XIII.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-13.1, Appeals and Hearings in its entirety.

**SECTION XIV.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by deleting Section 15-5-14, Definitions and Applications in its entirety, and replacing it with a new Section 15-5-14, Stopping, as follows:

**15-5-14 Stopping.**

Taxicab operators shall not stand or park on any street except at designated taxi stands or bus stops, except while actually engaging in or taking on or leaving passengers.

**SECTION XV.** Amend the CODE OF ORDINANCES, CODE OF ORDINANCES, Title I, General Code; Chapter 15, Licensing and Regulation of Businesses, Trades and Occupations, Article 15-5 Taxicabs and Taxicab Operators, by adding a new Section 15-5-15, Periodic Inspections, as follows:

**15-5-15 Periodic Inspections.**

The City Licensing Officer or his designee shall make periodic inspections of Taxicabs as deemed necessary for the maintenance of safety and sanitary conditions.

**SECTION XVI:** This ordinance shall take effect upon its passage.